

IC 34-57-3

Chapter 3. Community Dispute Resolution

IC 34-57-3-1

Applicability of chapter

Sec. 1. This chapter applies to the following disputes:

- (1) A criminal offense that a prosecuting attorney has referred to a community dispute resolution center under a diversion program under IC 33-39-1-8.
- (2) A civil action that has been filed and referred by the court to a dispute resolution program for alternative dispute resolution under IC 34-57-4 (or IC 34-4-2 before its repeal).
- (3) Civil disputes that do not involve an insurance claim, in which the parties voluntarily submit to community dispute resolution without filing an action in court.

As added by P.L.1-1998, SEC.53. Amended by P.L.98-2004, SEC.138.

IC 34-57-3-2

Centers program; establishment; powers and duties of chief justice; annual contribution from attorneys

Sec. 2. (a) The community dispute resolution centers program is established.

(b) The chief justice of Indiana shall do the following to the extent that sufficient funds are available:

- (1) Administer and supervise the program.
- (2) Select centers to receive funding from applications that are submitted under this chapter.
- (3) Distribute funds for the establishment and continuance of centers on the basis of need in the community.
- (4) Adopt rules that are necessary to carry out the purposes of this chapter and IC 34-57-4.

(c) The chief justice of Indiana, subject to the approval of the budget agency, may hire the personnel necessary to administer the program.

(d) The Indiana supreme court may collect an annual voluntary contribution in the amount of twenty-five dollars (\$25) from each attorney admitted to practice before the Indiana supreme court. The money collected from the voluntary contributions shall be used for the program.

As added by P.L.1-1998, SEC.53.

IC 34-57-3-3

Applications for funding; required information

Sec. 3. Applications submitted for funding under this chapter must include the following information:

- (1) The cost of operating each of the proposed centers, including the proposed compensation of employees.
- (2) A description of the proposed area of service and the number of participants expected to be served.

- (3) A description of available dispute resolution services and facilities within the proposed geographical area.
- (4) A description of the applicant's proposed services, including a description of the following:
 - (A) Support of civic groups, social service agencies, and criminal justice agencies to accept and make referrals.
 - (B) The present availability of resources.
 - (C) The applicant's administrative capacity.
- (5) Additional information required by the chief justice of Indiana.

As added by P.L.1-1998, SEC.53.

IC 34-57-3-4

Eligibility of centers for funds; requirements

Sec. 4. To be eligible for funds under this chapter, a center must do the following:

- (1) Comply with this chapter and the rules adopted by the chief justice of Indiana.
- (2) Provide neutral mediators who have received training in conflict resolution techniques as specified under rules adopted by the chief justice of Indiana.
- (3) Provide dispute resolution without cost to a participant who is indigent and at nominal or no cost to other participants.
- (4) Provide dispute resolution services to the community for parties who participate on a voluntary basis.
- (5) Ensure that any arbitration services offered by the center are in compliance with IC 34-57-2.
- (6) At the conclusion of the dispute resolution process do the following, if an agreement is reached:
 - (A) Provide a written agreement or decision setting forth the settlement of the issues and future responsibilities of each participant.
 - (B) If the matter was referred by the court for dispute resolution after a cause was filed, provide a written agreement or decision to the court that made the referral.
 - (C) If the matter was referred by a prosecuting attorney for dispute resolution, provide a written agreement or decision to the prosecuting attorney that made the referral.

As added by P.L.1-1998, SEC.53.

IC 34-57-3-5

Operation of center receiving funds; requisites

Sec. 5. Each center that receives funds under this chapter must:

- (1) be operated by a grant recipient;
- (2) be operated under a contract with the chief justice of Indiana; and
- (3) comply with this chapter.

As added by P.L.1-1998, SEC.53.

IC 34-57-3-6

Allocation of funds to centers for services provided

Sec. 6. (a) Funds available for the purposes of this chapter may be allocated for services provided by eligible centers.

(b) A center in existence before July 1, 1992, may apply for funds available under this chapter.

As added by P.L.1-1998, SEC.53.

IC 34-57-3-7**Administration of funds**

Sec. 7. The chief justice of Indiana may accept, apply for, and disburse public or private funds for the purposes of this chapter.

As added by P.L.1-1998, SEC.53.

IC 34-57-3-8**Acceptance of public or private funds by grant recipient; audit; facilities**

Sec. 8. (a) A grant recipient may accept funds from public or private sources for the services provided by the grant recipient.

(b) The state board of accounts, the chief justice of Indiana, or an authorized representative of the state board of accounts or the chief justice of Indiana may inspect, examine, and audit the fiscal affairs of local programs or centers.

(c) Centers must, whenever reasonably possible, make use of public facilities free or at nominal cost.

As added by P.L.1-1998, SEC.53.

IC 34-57-3-9**Center not a state agency**

Sec. 9. A center operated under this chapter is not a state agency or an instrumentality of the state. Employees and volunteers of a center are not employees of the state.

As added by P.L.1-1998, SEC.53.

IC 34-57-3-10**Applicability of IC 34-57-2**

Sec. 10. IC 34-57-2 applies to arbitration conducted under this chapter.

As added by P.L.1-1998, SEC.53.

IC 34-57-3-11**Subpoena or discovery powers or admissible evidence in proceedings; limitations**

Sec. 11. (a) Except as provided in subsection (c), the following are not subject to subpoena or discovery or admissible in evidence in any judicial or administrative proceeding:

(1) All work product of a mediator.

(2) Any communication relating to the subject matter of the dispute made during the resolution process by a participant, mediator, or other person present at the dispute resolution.

(b) A mediator or a staff member of a center may not be

compelled to testify in a judicial or an administrative proceeding with respect to a dispute that has been referred to a center for dispute resolution.

(c) Subsection (a) does not apply to a written agreement or decision provided to the participants, the court, or a prosecuting attorney under section 4(6) of this chapter (or IC 34-4-2.5-9(b) before its repeal).

As added by P.L.1-1998, SEC.53.

IC 34-57-3-12

Reporting by center to chief justice

Sec. 12. A center that receives funds under the program must annually provide the chief justice of Indiana with statistical data and other information that the chief justice of Indiana requires.

As added by P.L.1-1998, SEC.53.

IC 34-57-3-13

Annual report to governor and general assembly

Sec. 13. The chief justice of Indiana shall prepare and submit an annual report to the governor and the general assembly that evaluates and makes recommendations concerning the operation and success of the centers funded under this chapter. A report submitted under this section to the general assembly must be in an electronic format under IC 5-14-6.

As added by P.L.1-1998, SEC.53. Amended by P.L.28-2004, SEC.175.

IC 34-57-3-14

Trial de novo; filing of motion with referring court

Sec. 14. Section 1(2) of this chapter does not prohibit a person who has been referred by the court to a dispute resolution program from filing a motion with the referring court for a trial de novo.

As added by P.L.1-1998, SEC.53.

IC 34-57-3-15

Statute of limitations; applicability

Sec. 15. (a) This section applies to a dispute described in section 1(3) of this chapter.

(b) Except as provided under subsection (c), the running of a statute of limitation ceases to run after the time:

(1) arbitration is initiated under IC 34-57-2-2 (or IC 34-4-2-2 before its repeal); or

(2) the parties sign an agreement to mediate.

(c) The statute of limitation resumes running after the earlier of the following:

(1) The date the parties enter into a written agreement under section 4(6) of this chapter (or IC 34-4-2.5-9(6) before its repeal).

(2) Six (6) months after the date that the statute of limitation was suspended under subsection (b) (or IC 34-4-2.5-20(b)

before its repeal).

As added by P.L.1-1998, SEC.53.